

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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MICAH ROEMEN;  
TOM VAN EYCK,  
Guardian of Morgan Ten Eyck; and  
MICHELLE TEN EYCK,  
Guardian of Morgan Ten Eyck,

Plaintiffs,

vs.

UNITED STATES OF AMERICA;  
ROBERT NEUENFELDT, individually;  
and UNKNOWN SUPERVISORY  
PERSONNEL OF THE UNITED  
STATES, individually,

Defendants.

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CIV 19-4006  
CIV 19-4007

RULE 16  
SCHEDULING ORDER

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With the Defendants not objecting to the Plaintiffs' suggestion in the Discovery Report that the cases should be consolidated and tried together, the Court does consolidate these cases now for all purposes, although the discovery limitations as to the number of interrogatories, requests for admission, and depositions will separately apply to each case. The two cases will be consolidated into CIV 19-4006 and the heading will be as shown above.

Counsel for the parties having held a planning meeting in compliance with Fed.R.Civ.P. 26(f), and submitted a report thereon, and now, therefore,

IT IS ORDERED:

1. That the Report of Parties' Planning Meeting is hereby approved and adopted by the Court.
2. That the cases listed in the above caption are consolidated, and all future filings will be made in Civil No. 19-4006.
3. That the parties shall have until October 2, 2020, to move to join additional parties and to amend the pleadings.

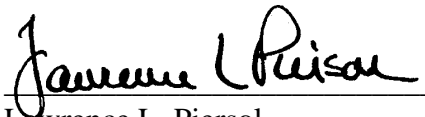
4. That all discovery, including expert discovery, shall be commenced in time to be completed by March 1, 2021, and a maximum of fifty (50) interrogatories and twenty-five (25) requests for admission by each party to any other will be allowed, and responses thereto shall be due thirty (30) days after service. Discovery responses must be supplemented as additional information is available.
5. That there will be a maximum of fifteen (15) depositions for each party, excluding depositions of experts, and each deposition shall be limited to seven (7) hours.
6. That the identity of and reports from retained experts under Rule 26(a)(2) shall be due from Plaintiffs by October 15, 2020, and from Defendants by January 15, 2021; any supplementations thereto under Rule 26(e) shall be due twenty (20) days prior to trial. Disclosures and reports under Rule 26(a)(2) are not filed with the Clerk. Any expert not so designated will not be permitted to testify at trial.
7. That a deposition may be taken of each designated expert.
8. That all motions, other than motions in limine, together with supporting briefs, shall be filed and served on or before April 2, 2021; that opposing parties shall file and serve answering materials and briefs on or before April 23, 2021; and reply briefs shall be filed and served on or before May 7, 2021.
9. That the final date for submitting Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists shall be filed by July 19, 2021; and the final date for the parties to file objections, if any, under Rule 26(a)(3) shall be July 26, 2021.
10. All motions in limine, with supporting authority, shall be in writing and filed, together with proposed instructions, with supporting authority, by July 19, 2021.
11. That all motions not previously disposed of will be heard and a pre-trial conference will be held on Monday, August 2, 2021, at 1:30 P.M. The lawyer who will be the lead trial counsel at trial for each of the parties is to be in attendance at the pre-trial conference unless specifically excused by the Court from being in attendance.
12. That jury trial will commence in Sioux Falls, South Dakota, on Tuesday, August 17, 2021, with counsel to be present at 9:00 A.M.,

for the Court to rule on any previously filed motions in limine that the Court has not ruled upon, and with the jury to report at 9:30 A.M.

13. That the parties shall promptly contact the Magistrate so that the possibility of settlement discussion with the assistance of the Magistrate can be pursued.
14. That the schedule herein may be modified by the Court upon a showing of good cause.

Dated this 10th day of August, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lawrence L. Piersol", written over a horizontal line.

Lawrence L. Piersol  
United States District Judge

ATTEST:

MATTHEW W. THELEN, CLERK

A handwritten signature in blue ink, appearing to read "Matthew Thelen", written over a horizontal line.